

7K
RECEIVED
CENTRAL FAX CENTER

OCT 30 2003

***** FACSIMILE COVER SHEET *****

OCT 30 2003 16:52

Message To:

917038729318

Message From:

BTU IPLAW

03

Pages

Follow This Cover Page

Received from < 8027698938 > at 10/30/03 4:43:57 PM [Eastern Standard Time]

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION**

Application No.: 10/065,843 Atty. Docket: BUR9-2001-0074-US1
Applicant: Malinowski et al. Today's Date: October 30, 2003
Filing Date: November 25, 2002 Examiner: Julio J. Maldonado
Title: **NITRIDE ETCHSTOP FILM TO** Group Art Unit: 2823
PROTECT METAL-INSULATOR-METAL Fax: 703-872-9318
CAPACITOR DIELECTRIC FROM
DEGRADATION AND METHOD FOR MAKING SAME

**RECEIVED
CENTRAL FAX CENTER**

OCT 30 2003

Response to Official Action**OFFICIAL**

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to a restriction requirement dated October 9, 2003, Applicants respectfully request consideration of the claims elected. No fee is due by virtue of this election. However, if the PTO decides that a fee is due, please charge Applicants' deposit account, 09-0456.

CERTIFICATE OF MAILING	
I hereby certify that, on the date shown below, this correspondence is being:	
MAIL	FACSIMILE
<input type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant commissioner of Patents, Washington, DC 20231.	<input checked="" type="checkbox"/> transmitted by facsimile to the Patent and Trademark Office
Date: <u>10/30/2003</u>	<u>ANTHONY J. CANALE</u> Name
	<u>Anthony J. Canale</u> Signature

BUR9-2001-0074-US1
10/065,843

Page 1 of 3

The Examiner indicated that restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to a semiconductor device, classified in class 257, subclass 532.
- II. Claims 9-20, drawn to a method of manufacturing a semiconductor device, classified in class 438, subclass 396.


Applicants elect the claims of Group II, without traverse, directed to a method of manufacturing a semiconductor device. Thus, the claims that are readable on the elected species and variations for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable include: claims 9-20.

Also, upon the allowance of a generic claim, Applicants wish to re-open consideration of claims to additional species and variations which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

The Examiner is urged to call the undersigned at the number listed below if, in the Examiner's opinion, such a phone conference would aid in furthering the prosecution of this application.

Respectfully Submitted,

For: Malinowski et al.

By: 
Anthony J. Canale
Registration No. 51,526
Agent for Applicants
Phone: (802) 769-8782
Fax: (802) 769-8938
Email: acanale@us.ibm.com

IBM Corporation
Intellectual Property Law - Zip 972E
1000 River Street
Essex Junction, Vermont 05452

BUR9-2001-0074-US1
10/065,843

Page 3 of 3